

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,  
  
Plaintiffs,  
  
vs.  
  
JEAN FERRER LEYVA-PAZOS, and  
LEOPOLDO RAMIREZ,  
  
Defendants.

**4:22CR3142**

**ORDER**

Defendant Ramirez has moved to continue the September 26, 2023 telephonic conference and pretrial motion deadline, (Filing No. 130), because Defendant and defense counsel need additional time to fully review the discovery. The motion to continue is unopposed. The court notes that as to Defendant Leyva-Pazos, the case has been pending and the defendant has been detained for ten months. The court held a change of plea hearing, but Leyva-Pazos did not plead guilty. The court must balance Leyva-Pazos' interest in a prompt trial against Defendant Ramirez' need for additional time to review the evidence. A conference with counsel will be scheduled.

Accordingly,

IT IS ORDERED:

- 1) Defendant Ramirez's motion to continue, (Filing No. 130), is granted in part and denied in part.
- 2) Pretrial motions and briefs regarding Defendant Ramirez shall be filed on or before October 4, 2023.
- 3) The conference call previously scheduled to be held on September 26, 2023 will remain as is set forth in Filing No. 120.

- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendants in a speedy trial, and as to both defendants, the additional time arising as a result of the granting of the motion, the time between today's date and October 4, 2023 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 22nd day of September, 2023.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge